

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: December 3, 2009

JUDGE
LEONARD DAVIS

REPORTER: Shea Sloan

LAW CLERK: Kat Li

TA: Mike McLemore

NETWORK-1 SECURITY SOLUTIONS

V

CISCO SYSTEMS, et al

CIVIL ACTION NO: 6:08-CV-30

MARKMAN HEARING

ATTORNEYS FOR PLAINTIFFS

Gregory Dovel (Dovel & Luner)
Sean Luner (Dovel)
Johnny Ward (Ward & Smith)

ATTORNEY FOR DEFENDANT

Mark Selwyn (Wilmer Cutler Pickering)
William Lee (Wilmer)
Eric Findlay (Findlay Craft)
For Cisco

David Bahler (Fulbright & Jaworski)
For Adtran, Inc.

Jeffrey Lindgren (Vasquez)
Richard Vasquez (Vasquez)
Bill Cornelius (Vasquez)
For Enterasys Networks

Ken Adamo (Jones Day)
Behrooz Shariati (Jones)
For Extreme

K.T. Sunny Cherian (Howrey Simon Arnold)
Calvin Capshaw (Capshaw DeRieux)
For Foundry Networks

Jeffrey Ostrow (Simpson())
Melvin Wilcox (Yarbrough Wilcox)
For 3Com

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 10:00 am

ADJOURN: 12:25 PM

DAVID J. MALAND, CLERK

FILED: 12.3.2009

BY: *Rosa L. Ferguson*, Courtroom Deputy

TIME:	MINUTES:
10:00 am	Case called. Mr. Ward, Mr. Luner & Mr. Dovel announced ready for Plaintiff. Mr. Findlay, Mr. Lee & Mr. Selwyn announced ready for Defendant Cisco. Mr. Shariati & Mr. Adamo announced ready for Defendant Extreme. Also present, Ms. Diane Honda, general counsel for Extreme. Mr. Cornelius, Mr. Vasquez, Mr. Lindgren announced for Defendant Enterasys. Mr. Cherian & Mr. Capshaw announced ready for Defendant Foundry Networks. Mr. Wilcox & Mr. Ostro announced ready for Defendant 3Com. Mr. Bahler announced ready for Adtran .
	Court asked parties to give a brief opening statement.
	Mr. Dovel presented a brief opening statement to the Court. Mr. Lee presented a brief opening statement to the Court.
	Mr. Dovel presented term “data mode.”
	Mr. Shariati responded. Mr. Dovel responded.
	Mr. Dovel presented term “access device.”
	Mr. Shariati responded. Mr. Dovel responded as to power. Mr. Shariati responded as to the limitation in some form in the construction. Court and parties discussed proposed language. Mr. Shariati further addressed the Court. Mr. Dovel responded.
	Mr. Lee presented terms “Main / Secondary Power Source.”
	Mr. Dovel responded as to term Main Power Source. Mr. Lee responded. Mr. Dovel responded as to AC/DC power supply. Mr. Lee further responded. Court and parties discussed power source and power supply. Mr. Lee and Mr. Dovel further responded.
	Mr. Lee presented term Secondary Power Source.
	Mr. Dovel responded. Mr. Lee responded. Mr. Dovel further responded.
11:20 am	Court in recess.
11:35 am	Hearing resumed.
	Mr. Lee presented term “Low Level Current.”
	Mr. Dovel responded.
	Mr. Dovel presented term “Preselect Condition.”
	Mr. Lee responded.
	Mr. Dovel presented term “Phantom Power.”
	Mr. Lee responded.
	Mr. Selwyn presented term “Control Means.”
	Mr. Dovel responded. Mr. Selwyn responded.
	Court will take the last two terms on the briefs.

TIME:	MINUTES:
	Court addressed the parties on trial date and mediation. Mr. Dovel responded. Mr. Lee responded.
	Court addressed the parties on a preliminary construction prior to the mediation.
12:25 pm	There being nothing further, Court adjourned.